

^{SFO Article} Five Charges

N.Y. Court Orders Nixon Disbarred

New York

Former President Nixon was ordered disbarred yesterday in New York state.

The order came from a state appeals court, which ruled on obstruction-of-justice charges brought by the New York City bar association.

"We find that the evidence adduced in the case at bar warrants the imposition of the most severe sanction available to the court," the majority said in its 4-to-1 decision.

Mr. Nixon had refused to defend himself on the charges, but the Appellate Division of the state Supreme Court said, "No reason whatever has been shown why a respondent who has chosen to reject or ignore service may by stony silence postpone judgment indefinitely."

Mr. Nixon had previously resigned from the California bar, but under the New York procedure he could not resign his membership in this state's bar unless he acknowledged guilt by stating he was unable to defend himself on the charges.

The grievance committee of the Association of the Bar of the City of New York began an investigation into allegations of professional misconduct by Mr. Nixon in September, 1974 — a month after he resigned the presidency of the United States.

The committee eventually filed five charges against Mr. Nixon, including obstructing the FBI investigation into the Watergate break-in and concealing evidence of unlawful activities by members of his staff and the Committee to Re-elect the President.

On January 21, Mr. Nixon refused to accept service of a petition with the five charges that were brought against him by the bar association panel. An attempt to have the papers served at his home in California a week later was unsuccessful. The court authorized service by regular mail on February 4.

Testimony began March 18. Mr. Nixon did not respond either in

person or through counsel. No papers were filed on his behalf. The appellate court said each of the allegations was substantiated by evidence from Mr. Nixon's White House tapes or testimony given to various congressional committees.

Yesterday's court opinion said that obstructing justice is "a most serious offense, but one which is rendered even more grievous by the fact that in this instance, the perpetrator is an attorney and was at the time of the conduct in question the holder of the highest public office in this country and in a position of public trust."

It added that Mr. Nixon's failure to respond to the charges "must be construed by this court as an admission of the charges and an indifference to the attendant consequences."

The court opinion handed down yesterday said the disbarment was based on five specifications declaring that Mr. Nixon:

- "Improperly obstructed an FBI investigation of the unlawful entry of the headquarters of the Democratic National Committee."

- "... Improperly authorized or approved the surreptitious payment of money to E. Howard Hunt, who was indicted in connection with the break-in in order to prevent or delay Hunt's disclosure of information to federal law enforcement authorities."

- "... Improperly attempted to obstruct an investigation by the U.S. Department of Justice of an unlawful entry into the offices of Dr. Lewis Fielding," a psychiatrist who had treated Daniel Ellsberg, the government employee who had released the Pentagon papers to the news media.

- "... Improperly concealed and encouraged others to conceal evidence relating to unlawful activities of members of his staff and of the Committee to Re-elect the President."

- "... Improperly engaged in conduct which he knew or should have known would interfere with the legal defense of Daniel Ellsberg."